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MARK DILLON, TERESA NOA, MELVIN PONCE,  
SONIA PURDY, JUSTIN FUKUMOTO,  
ALFREDDA WAIOLAMA, and JACQUELINE RIO

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF HAWAII

WAYNE BERRY, a Hawaii citizen,	)	CIVIL NO. CV03-00385 SOM-LEK
	)	(Copyright)
Plaintiff,	)	
	)	DEFENDANTS MARK DILLON, TERESA
v.	)	NOA, MELVIN PONCE, SONIA
	)	PURDY, JUSTIN FUKUMOTO,
HAWAIIAN EXPRESS SERVICE,	)	ALFREDDA WAIOLAMA, AND
INC., a California	)	JACQUELINE RIO'S MEMORANDUM IN
corporation; H.E.S.	)	RESPONSE TO PLAINTIFF WAYNE
TRANSPORTATION SERVICES, INC.,	)	BERRY'S MOTION IN LIMINE TO
a California corporation;	)	EXCLUDE EVIDENCE OF PRIOR
CALIFORNIA PACIFIC	)	UNRELATED JUDGMENT AGAINST
CONSOLIDATORS, INC., a	)	PLAINTIFF AND HIS FINANCES
California corporation;	)	
JEFFREY P. GRAHAM and PETER	)	
SCHAUL, California citizens;	)	<u>Hearing:</u>
MARK DILLON and TERESA NOA,	)	
BRIAN CHRISTENSEN, Hawaii	)	Date: January 20, 2006
citizens; FLEMING COMPANIES,	)	Time: 2:00 p.m.
INC., an Oklahoma corporation;	)	Judge: Hon. Susan Oki
C & S LOGISTICS OF HAWAII,	)	Mollway
LLC, a Delaware LLC; C & S	)	
WHOLESALE GROCERS, INC., a	)	
Vermont corporation; C & S	)	[caption continued on next
ACQUISITIONS, LLC; FOODLAND	)	page]
SUPER MARKET, LIMITED, a	)	
Hawaii corporation; HAWAII	)	

TRANSFER COMPANY, LIMITED, a )  
Hawaii corporation; RICHARD )  
COHEN, New Hampshire citizen; )  
ES3, LLC, a Delaware Limited )  
Liability Company, MELVIN )  
PONCE, SONIA PURDY, JUSTIN )  
FUKUMOTO, ALFREDDA WAIOLAMA, )  
JACQUELINE RIO, Hawaii )  
citizens; JESSIE GONSALVES, )  
LUIZ RODRIGUES, AL PEREZ and )  
PATRICK HIRAYAMA, California )  
citizens; GUIDANCE SOFTWARE, )  
LLC, a California LLC; MICHAEL )  
GURZI, a California citizen; )  
ALIX PARTNERS, LLC, a Delaware )  
LLC; DOE INDIVIDUALS 2-350; )  
DOE PARTNERSHIPS, CORPORATIONS )  
and OTHER DOE ENTITIES 2-20, ) Trial: January 24, 2006  
) )  
Defendants. )  
\_\_\_\_\_ )

**DEFENDANTS MARK DILLON, TERESA NOA, MELVIN PONCE, SONIA PURDY,  
JUSTIN FUKUMOTO, ALFREDDA WAIOLAMA, AND JACQUELINE RIO'S  
MEMORANDUM IN RESPONSE TO PLAINTIFF WAYNE BERRY'S MOTION  
IN LIMINE TO EXCLUDE EVIDENCE OF PRIOR UNRELATED JUDGMENT  
AGAINST PLAINTIFF AND HIS FINANCES**

Defendants Mark Dillon, Teresa Noa, Melvin Ponce, Sonia  
Purdy, Justin Fukumoto, Alfredda Waiolama, and Jacqueline Rio  
("Employees"), by and through their attorneys, Lyle S. Hosoda &  
Associates, LLC, hereby responds to Plaintiff Wayne Berry's  
Motion in Limine to Exclude Evidence of Prior Unrelated Judgment  
against Plaintiff and His Finances as follows:

To the extent that Mr. Berry seeks to exclude evidence  
of any "unrelated judgments and/or litigation involving Plaintiff  
or his personal finance", the Employees do not object. The  
Employees have no intention of introducing such evidence at trial

as it has no bearing on the sole issue for the jury's determination: the damages Plaintiff is entitled to as a result of acts of copyright infringement that occurred between April 1, 2003 and June 9, 2003.

DATED: Honolulu, Hawaii, January 10, 2006.

/s/ Lyle S. Hosoda

LYLE S. HOSODA

RAINA P.B. MEAD

CHRISTOPHER T. CHUN

Attorneys for Defendants

MARK DILLON, TERESA NOA, MELVIN

PONCE, SONIA PURDY, JUSTIN

FUKUMOTO, ALFREDDA WAIOLAMA, and

JACQUELINE RIO